

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

JOHN CHRISTOPHER WILKERSON,

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2023 OCT -5 P 1:49

Plaintiff,

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CLERK

SO. DIST. OF GA.

v.

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CV 323-003

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RONALD SHEPARD, et al.,

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Defendants.

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O R D E R

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On July 17, 2023, the United States Magistrate Judge entered a Report and Recommendation recommending the dismissal of the captioned matter based upon Plaintiff John Christopher Wilkerson's steadfast refusal to file an amended complaint as required by two Court Orders. (Doc. No. 26.) Rather than file objections, Plaintiff filed a motion for default judgment because "the court hasn't served JOSEPH R. BIDEN with summons of my complaint." (Doc. No. 28.) On August 16, 2023, the Court adopted the Report and Recommendation, denied as moot the motion for default judgment, and dismissed the case. (Order of Dismissal, Doc. No. 29.)

Plaintiff has appealed the dismissal of his case. He seeks to proceed *in forma pauperis* on appeal. "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." See 28 U.S.C. § 1915(a)(3). An appeal is not taken in good faith if it is frivolous. See

Coppedge v. United States, 369 U.S. 438, 445 (1962). Here, the Court can discern no non-frivolous issues to raise on appeal; Plaintiff has never attempted to file an amended complaint nor tried to explain his failure to do so. Thus, any appeal from dismissal of this case has not been taken in good faith. Plaintiff's motion to proceed *in forma pauperis* on appeal (doc. no. 38) is DENIED.

The Court notes that Plaintiff filed another motion for default judgment after his notice of appeal, wherein he exclaims that he has "already won my civil suit? Why haven't my demands been met?" (Doc. No. 33.) To the contrary, Plaintiff's case has been dismissed. Accordingly, his motion for default judgment (doc. no. 33) is DENIED.

ORDER ENTERED at Augusta, Georgia this 5<sup>th</sup> day of October, 2023.

  
UNITED STATES DISTRICT JUDGE